

Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 PM-07 NSC-07 SPC-03 SS-20 RSC-01 PRS-01

CIAE-00 INR-10 NSAE-00 DODE-00 AID-20 IGA-02 OMB-01

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FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 1596

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E.O. 11652: N/A

TAGS: MARR, CASC, TH

SUBJECT: CONTRACT PERSONNEL AT KO KHA

SUMMARY: PROBLEM OF RESIDENCE AND EXIT PERMITS FOR GENERAL ELECTRIC CONTRACT PERSONNEL AT KO KHA IS RELATED TO BROADER ASPECTS OF US-THAI RELATIONSHIPS, NOTABLY INCLUDING LONGSTANDING RTG INSISTENCE THAT USG REDUCE AMERICAN CONTRACTORS IN THAILAND AND SHIFT BUSINESS TO THAI-REGISTERED FIRMS. EMBASSY AND MACTHAI FULLY SYMPATHIZE WITH INDIVIDUAL HARDSHIPS OCCASIONED BY DELAYS AND DIFFICULTIES IN OBTAINING RESIDENCE OF EXIT PERMITS FOR AMERICAN CONTRACT PERSONNEL. AS RESULT OF MUCH EFFORT AND PROTRACTED NEGOTIATION WE THINK WE HAVE SUCCEEDED IN REDUCING IMMEDIATE PROBLEM TO POINT WHERE ONLY ABOUT 48 CONTRACT PERSONNEL OUT OF SOME 1,300 NOW FACE PROSPECT OF PROSECUTION AND FINE FOR ILLEGAL OVERSTAY. EVEN THOUGH IMMIGRATION AUTHORITIES HAVE ADVISED THEY WILL GRANT NO FURTHER WAIVERS OF PROSECUTION, WE ARE CONTINUING EFFORTS TO OBTAIN WAIVERS IN THESE SPECIAL CASES. THIS MESSAGE OUTLINES HISTORY AND STATUS OF PROBLEM IN GENERAL AND PARTICULAR ASPECTS RELATING TO KO KHA CONTRACT PERSONNEL. END SUMMARY.

1. MISSION HAS BEEN NEGOTIATING WITH THAI IMMIGRATION AUTHORITIES AND SUPREME COMMAND FOR MANY MONTHS IN EFFORT RESOLVE PROBLEM OF RESIDENCE AND EXIT PERMITS FOR PERSONNEL
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EMPLOYED BY US INVITED CONTRACTORS. FROM APRIL 15, 1973

UNTIL NOVEMBER 1973 IMMIGRATION AUTHORITIES REFUSED TO ISSUE RESIDENCE PERMITS TO ANY OF THESE PERSONNEL. DURING THIS PERIOD THEY INSISTED THAT PERMITS WOULD BE ISSUED ONLY UPON CERTIFICATION THAT CONTRACTS IN QUESTION WERE APPROVED BY RTG UNDER TERMS OF NEC ORDER 79. THEY ALSO INSISTED INITIALLY ON DEPOSIT OF DEPARTURE BOND FOR EACH CONTRACT EMPLOYEE BUT AGREED TO DROP THAT DEMAND IN DECEMBER.

2. MACTHAI CREATED LAST AUGUST A PROCUREMENT MANAGEMENT OFFICE TO OBTAIN FOR FIRST TIME CENTRALIZED DATA ON ALL CONTRACTS LET FOR GOODS AND SERVICES IN THAILAND AS BASIS FOR APPLYING FOR SUPREME COMMAND APPROVAL OF INDIVIDUAL CONTRACTS. IN NOVEMBER GENERAL KRIANGSAK APPROVED ALL BUT A FEW OF THE CONTRACTS THEN IN EXISTENCE ON THE UNDERTSANDING THAT THESE CONTRACTS WOULD BE REVIEWED DURING THEIR REMAINING LIFE SPAN WITH OBJECTIVE OF REDUCING AMERICAN CONTRACT PERSONNEL WHEREVER POSSIBLE AND SHIFTING BUSINESS TO THAI-REGISTERED FIRMS.

3. SINCE IMMIGRATION AGREED TO BEGIN ISSUING RESIDENCE PERMITS AGAIN IN DECEMBER SOME 200 CASES OUT OF ABOUT 1,300 HAVE BEEN COMPLETELY PROCESSED. WE ANTICIPATE THAT MOST OF REMAINDER WILL BE PROCESSED SATISFACTORILY BUT SLOWLY.)

4. SOME 48 CASES, ABOUT TWO-THIRDS INVOLVING KO KHA PERSONNEL, STILL PRESENT SPECIAL POBLEM. IMMIGRATION HAS ADVISED MACTHAI THAT THESE CASES MUST BE PROCESSED THROUGH IMMIGRATIONCOURT ON CHARGES OF ILLEGAL OVERSTAY. JUDGING FROM SEVERAL PRECEDENTS, THIS REQUIRES PRESENT OF CONTRACT EMPLOYEE AT IMMIGRATION FOR FULL DAY AND PAYMENT OF FINE OF FROM BAHT 600 TO 900.

5. THE GENERAL ELECTRIC CONTRACT AT KO KHA WAS ONE OF THOSE DISAPPROVED BY GENERAL KRIANGSAK LAST NOVEMBER. NEC ORDER 79 APPLIES ONLY TO US REGISTERED FIRMS AND THIS CONTRACT WAS NOMINALLY WITH LOCAL GE AFFILIATE HERE WHICH ALSO DOES COMMERCIAL BUSINESS. CONTRACT WAS SUBSEQUENTLY CHANGED TO GE SYRACUSE AND HAS JUST BEEN APPROVED BY GENERAL KRIANGSAK ON THAT BASIS. IMMIGRATION HAS TAKEN POSITION, HOWEVER, THAT IT WILL GRANT NO FURTHER WAIVERS OF PROSECUTION IN LIMITED OFFICIAL USE

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THOSE CASES WHERE APPLICATIONS FOR RESIDENCE OR EXIT PERMITS WERE NOT PROMPTLY SUBMITTED, FOR WHATEVER REASON, IN RESPONSE TO OCTOBER 29 REQUEST FROM IMMIGRATION FOR PROMPT SUBMISSION OF ALL CASES. AS NEXT STEP WE PLAN TO APPEAL TO GENERAL KRIANGSAK FOR ASSISTANCE IN TRYING TO PERSUADE IMMIGRATION TO RECONSIDER.

6. WHILE WE ARE GRATIFIED THAT DIMENSION OF IMMEDIATE

PROBLEM HAS BEEN REDUCED TO ABOUT 48 SPECIAL CASES,
PROBLEM FOR ALL CONTRACT PERSONNEL COULD HEAT UP AGAIN
AS PRESENT APPROVED CONTRACTS EXPIRE LATER THIS YEAR.
WE ARE IN PROCESS OF COORDINATING SEPARATE MESSAGE TO
STATE AND DOD OUTLINING OUR VIEWS ON WHAT IS NEEDED TO
TRY TO HEAD OFF THIS POTENTIAL PROBLEM.

7. FYI WE BELIEVE GE ATTORNEY'S PRIMARY SOURCE IS ROGER
EHMANN, KO KHA EMPLOYEE, WHOSE CASE HAD SPECIAL FEATURES
OF ITS OWN. EHMANN WAS SCHEDULED TO APPEAR AT
IMMIGRATION WITH MACTHAI REPRESENTATIVE AND ANOTHER
DEPARTING KO KHA EMPLOYEE INEARLY MORNING OF THURSDAY
MARCH, BUT DIDN'T MAKE HIS APPOINTMENT AND PRESENTED HIMSELF
TO IMMIGRATION ONLY AT 11 A.M. THAT DAY. HE WAS
ASKED TO RETURN AFTER LUNCH WITH AN AIRLINE TICKET BUT
SHOWED UP AT IMMIGRATION VERY LATE THAT AFTERNOON AND WAS
TOLD THAT HE MUST RETURN ON MONDAY MORNING FOR PROSECUTION
BECAUSE HE HAD ARRIVED TOO LATE TO OBTAIN WAIVER OF PROSECUTION
FROM APPROPRIATE IMMIGRATION OFFICIAL. MACTHAI QUERIED
IMMIGRATION FOLLOWING DAY (FRIDAY) AND WAS TOLD THAT EHMANN
HAD BEEN ASKED TO RETURN ON MONDAY BECAUSE PROSECUTION FOR
OVERSTAY COULD NOT BE COMPLETED ON FRIDAY; IF PROSECUTION
WERE INITIATED THAT DAY HE WOULD HAVE TO REMAIN IN
CONFINEMENT OVER WEEKEND OR ARRANGE BAIL. IN THE MEANTIME,
THE OTHER KO KHA EMPLOYEE WHO APPEARED PROMPTLY AT IMMIGRATION
ON THURSDAY ACCOMPANIED BY MACTHAI EMPLOYEE WAS ISSUED AN EXIT
STAMP WITHOUT ANY COMPLICATIONS. END FYI
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